

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 133

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 27, 2000
Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Joe Allen Lang, First Assistant City Attorney; Patsy Ellis, Deputy City Clerk; present.

Rev. Pete Little, Brotherhood Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of June 20, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

Council Member Cole left the Bench.

NEW BUSINESS

LICENSE REVOCATION REVOCATION OF ESCORT LICENSE.

Council Member Cole present.

Agenda Report No. 00-0620.

Betti Le Boop Escort Service operates as a business at 5860 South Broadway. Due to the Escort Service conducting business within the corporate limits of the City of Wichita, the owner applied for and received an Escort Service License (#7897) on December 7, 1995. Since receiving the initial license, the business has renewed its license each year with the last renewal being approved on January 18, 2000. On March 24, 2000, annexation of property, including the 5800 block of South Broadway and other adjacent properties into the City of Wichita, was published in the city's official newspaper of record. On April 24, 2000, the 30-day appeal process associated with the annexation expired. No appeals to the annexation were filed, and the address of 5860 South Broadway became part of the City of Wichita.

Prior to March 24, 2000, the Betti Le Boop Escort Service, 5860 South Broadway, was located in Sedgwick County and outside the city limits of the City of Wichita. The Escort Service is adjacent to and within 500 feet of the Christian Chapel Four Squares Church, 5828 South Broadway. Upon annexation into the City of Wichita, the Escort Service was deemed in violation of City Code, Section 3.07.130. In accordance with City Code, on May 23, 2000, the Chief of Police served the licensee with written notice that the escort license was being suspended for 30 days.

As of June 20, 2000, the licensee had not appealed the suspension. On June 20, 1999, the Chief of Police had the licensee served with a written notice stating the City Council was being requested to permanently revoke the license at the June 27, 2000, City Council Meeting.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 134

City Code, Section 3.07.130, relating to the licensing of Escort Services reads: "No license shall be granted for an escort service which is located within five hundred feet of any church, public or parochial school, public park, or residential zoning district".

Mayor Knight Mayor Knight asked whether the First Assistant City Attorney had seen the letter from Mr. O'Hara, representing the establishment, stating that he could not attend this meeting. Mayor Knight inquired whether the letter would be grounds for deferment.

Joe Allen Lang First Assistant City Attorney responded that Mr. Ohara is not specifically requesting a continuance, but is raising some issues. The City Council has the authority to grant a continuance.

George Rogers Council Member Rogers stated he believed there are some legal issues that have been raised and would be in favor of deferring the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that this Item be deferred until the July 11th Council meeting to allow someone representing the establishment to be present. Motion carried 7 to 0.
-- carried

PARK BUILDING

CONSIDERATION OF REQUEST TO REBUILD PARK BUILDING AT 25TH AND ARKANSAS. (District VI)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 00-0621

The building located at 2601 North Arkansas that previously housed the City's Arts & Crafts Center has been vacated by the Park Department with its relocation to CityArts in the downtown area. In February 1999, the City Council approved a lease with the SER organization to utilize this city-owned building for five years. The SER Corporation, on behalf of other tenant agencies, proposed to use this building for its main officers and social and human services.

The City agreed to allocate \$75,000 to perform repairs and building renovations to preserve the building; the Lessee (SER Corporation) was responsible for any building modifications to house the intended services. Following the execution of the Lease, SER requested that the City explore options to expand or construct a new (and larger) building to house the proposed services. An architectural firm was hired to determine what basic repairs would be needed to preserve the building and, for information purposes, what the estimated cost of expanding the building might be.

The architectural valuation determined that to remodel the building and existing parking for the proposed use would cost approximately \$560,000. This plan would not meet all of the spatial requirements of the proposed tenants, but would complete minimal interior demolition and reconfiguration of space, with improvements. The architect also provided information on an addition and a new building. These cost estimates are:

Building addition on 2 levels	\$2.8 million
Pre-Engineered metal building	\$ 2.1 million
New Building	\$3.1 million
Pre-Engineered metal building	\$1.9 million

The SER organization, on behalf of the Coalitions Committee, supports the New Building option, using the pre-engineered metal building, using a \$0.60/sf. The group is proposing that the City fund 1/3rd of the cost with the tenants/SER funding the balance of any project costs.

The question before the City Council is whether or not a more practical option would be to utilize its funds to preserve its existing city-owned building for area community use, and to encourage the Coalition to construct a building at a different location within the Hispanic community for its intended purposes.

The City Council has approved an allocation of \$75,000 for use in repairing and preserving the existing building. Should the City wish to support a new facility, such funding would be subject to Capital Improvement programming and Park Department priorities.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 135

This building is under the authority of the Park and Recreation Advisory Board and is subject to its review and recommendation. The Board has previously approved the lease terms and conditions with the SER Corporation.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Cole moved that the request be referred to the Park and Recreation Advisory Board for review and recommendation. Motion carried 7 to 0.

COVENANT REQUEST REQUEST TO REVISE COVENANT. (District II)

This Item was pulled from the Agenda.

316 AREA CODE

316 AREA CODE RESOLUTION.

Pisciotta

Council Member Pisciotta review the Item.

Agenda Report No. 00-0651.

The Kansas Corporation Commission (KCC) received a report projecting the exhaustion of available telephone prefixes within the 316 area code. The KCC opened a generic investigation into area code relief in Docket no. 00-GIMT-401-GIT. The telecommunications industry has recommended two alternatives for consideration on area code relief: An area code overlay and a geographic split. These plans could impact customers in Wichita and throughout the area.

The Overlay option will allow customers to retain their existing area code prefix, but assign a new area code to new customers. The result is that all customers in the area code would need to dial 10 digits in each call.

The Geographic Split option would divide the 316 area code and require either the Wichita Metro local calling area or the remainder to the 316 area to be assigned a new area code.

The KCC has asked for public comment by June 30, 2000 on which plan – the overlay or the geographic split -- is preferred by the public.

The Regional Economic Area Partnership (REAP) on June 12, 2000, adopted a resolution opposing the Overlay Plan and urging the adoption of the Geographic Split Plan, keeping the 316 area code for the full seven counties of Butler, Cowley, Harvey, Kingman, Reno, Sedgwick, and Sumner. (The 316 area proposed by REAP is larger than the Wichita Metro Calling Area.)

Changing the area code will impact citizens and businesses. Under the proposed resolution, the City Council would support the position taken by REAP.

The City of Wichita, Kansas, urges the Kansas Corporation Commission to reject the proposed area code Overlay Plan. If the Kansas Corporation Commission ultimately determines that it is necessary to make changes in the 316 area code, the City of Wichita, Kansas, urges the adoption of a Geographic Split Plan that will maintain the 316 area code in the Wichita Metro Calling Area as well as in all of the counties of Butler, Cowley, Harvey, Kingman, Reno, Sedgwick and Sumner.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion – carried

Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-262

A Resolution of the governing body of the City of Wichita, Kansas opposing the Area Code Overlay Plan and in support of maintaining the 316 area Code in the Seven County Regional Economic Area Partnership (Reap) area, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 136

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

Motion --
-- carried

Gale appointed Wayne Wiles to District IV Advisory Board and moved that the appointment be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 11 and 14, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 26, 2000.

Bids were opened June 23, 2000, pursuant to advertisements published on:

Northeast Water Transmission Facility, Phase 2B - Woodlawn to Rock Road, south of 21st Street North. (448-89466/632541/750214) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 05/09/2000. (District II)

WB Carter Construction - \$526,631.00

Storm Water Sewer No. 534 to serve Great Plains Business Park Second Addition. east of Oliver, south of 37th Street North. (468-83068/751284 /485175) Does not affect existing traffic. City Council approval date: 02/08/2000. (District I)

Wildcat Construction - \$91,000.00 (Negotiated for Engineer's estimate)

Paving 36th Street North from the east line of Lot 7, Block 1 to the west line of Ridgewood, and on Ridgewood from the south line of 37th Street North to the south line of 36th Street North Great Plains Business Park 2nd Addition -east of Oliver, south of 37th Street North. (472-83187/765618/490729) Does not affect existing traffic. City Council approval date: 02/08/2000. (District I)

Ritchie Paving - \$212,848.05

Paving Seneca from 30th Street South to Crawford - Seneca between 31st Street South and Pawnee. (472-83084/706778/200236) Two-way traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 03/16/1999. (District IV)

Cornejo & Sons Construction - \$1,061,418.75

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and Exterior Rehabilitation for 2120 Random Road. (097804)

S&A Construction – \$27,995.00(Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Siding, Guttering, Driveway, Sidewalk, Approach, Concrete, and Fencing Removal and Replacement. (097804)

S&A Construction – \$12,710.00 (Total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 137

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: New Current Model Concrete Saw. (132225)

United Rentals - \$14,762.48 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Moyno Pumps Parts. (184119)

The Rotating Equipment Group Inc. - \$14,426.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>Consumption on Premises)</u>
----------------	-------------	---------------------------------

Carol A. Bruff Angel Lopez	Residence Inn by Marriott* El Padrino, Inc.*	411 South Webb Road 2005 South Seneca
-------------------------------	---	--

(Consumption off Premises)

Ira J. Kapanpour	A.M. Conoco	12728 East Central
------------------	-------------	--------------------

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Legacy Park Wilson Estates - south of 21st Street North, west of Webb. (448-89469/734966/470636) Does not affect existing traffic. (District II) - \$115,300
- b) Storm Water Drain 153 to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (468-83104/751288/485179) Does not affect existing traffic. (District V) - \$578,000
- c) Storm Water Sewer 532 to serve Regency Park Addition - north of K-96, west of Greenwich Road. (468-83065/751286/485177) Does not affect existing traffic. (District II) - \$626,000
- d) Webb Road Accel/Decel Lane and Left Turn Lane from a point 80 feet north of the south lot line of Lot 3, Block 1, to a point 300 feet south of Wilson Estates Parkway to serve Legacy Park Wilson Estates - south of 21st Street North, west of Webb. (472-83232/765633/490744) Traffic shall be maintained through construction. (District II) - \$510,000
- e) Wilson Estates Parkway from the east line of Reserves "S" and "V" of Wilson Farms Addition over to Webb Road, and; Sidewalk along Wilson Estates Parkway from the east line of Reserve "S" to the west line of Webb Road to serve Legacy Park Wilson Estates - south of 21st Street North, west of Webb. (472-83175/765634/490745) Traffic shall be maintained through construction. (District II) - \$403,000
- f) Shefford from the north line of Lot 1, Block 3, south to the east line of Aberdeen 3rd Addition; Shefford Circle, adjacent to Lots 43 to 50, and Lots 52 to 59, Block 3; Shefford Court to serve the following lots: Lots 7 to 15, Block 3, Lots 16 to 25, Block 3; Lots 30 to 36, Block 3; Lots 3 to 14, Block 4; Lots 16 to 29, Block 5, and Lots 34 to 40, Block 5; Neville from the east line of Shefford to the east line of said Addition; and Neville Court adjacent to Lots 1 to 10, Block 5 to serve Aberdeen Third Addition - north of 21st Street North, east of 119th Street West. (472-83125/765626/490737) Does not affect existing traffic. (District V) - \$1,325,000

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 138

DEEDS & EASEMENTS DEEDS AND EASEMENTS:

- a) Drainage and utility easement dated August 2, 1999, from Orlin E. Ard, Jr., as Trustee of the Orlin E. Ard, Jr. Revocable Trust dated April 9, 1998 for a tract of land in Westwind Fifth Addition, Sedgwick County, Kansas (Private Project - OCA # 607861). No cost to City.
- b) Drainage easement dated June 9, 2000, from the Neville Family Trust III for a tract of land in Lot 51, Block 3, Aberdeen Third Addition to Wichita, Sedgwick County, Kansas (OCA # 765626). No cost to City.
- c) Waterline easement dated March 10, 2000, from Harvey D. Ellis Living Trust for a tract of land in Lot 3, Block 1, Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas (OCA # 734949). No cost to City.
- d) Waterline easement dated March 8, 2000, from P.D.S. Development Company, Inc. for a tract of land in Reserve "A", Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas (OCA # 734949). No cost to City.
- e) Waterline easement dated March 8, 2000, from plaza Central Office Building, Inc. for a tract of land in Lot 4, Block 1, Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas (OCA # 734949) No cost to City.
- f) Sanitary sewer easement dated June 2, 2000, from Clell Bontrager, Trustee for Barbara Fry Estate for a tract of land in Government Lot 4, located in the SW 1/4 of Sec. 9, Twp. 28S, R-1-E of the 6th P.M., Sedgwick County, Kansas (Lat. 88, M1, SWI - OCA # 743793) No cost to City.
- g) Sanitary sewer easement dated June 8, 2000, from Dr. Ely Bartel of Kansas Surgery & Recovery Center, Limited Partnership for a tract of land in Lot 1, Block 1, Kanas Surgery and Recovery Center Addition to Wichita, Sedgwick County, Kansas. (Private Project - OCA# 607861). No cost to City.
- h) Sanitary sewer easement from the City of Wichita, a Municipal Corporation for a tract of land in Lot 1, Block 1, Floyd E. Hobbs Addition to Wichita, Sedgwick County, Kansas. (Private Project - OCA# 607861). No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT WEST OF MERIDIAN, NORTH OF 47TH STREET SOUTH. (District IV)

Agenda Report No. 00-0623.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sanitary sewer service to a residential property.

The Petition totals \$12,500. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-259

Resolution of findings of advisability and Resolution authorizing construction of Lateral 457 Southwest Interceptor Sewer (west of Meridian, north of 47th Street South), 468-83120, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 139

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF LAKE RIDGE COMMERCIAL SECOND ADDITION, NORTH OF 21ST STREET, EAST OF RIDGE ROAD. (District V)

Agenda Report No. 00-0624.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sanitary sewer service to a commercial property.

The Petition totals \$15,500. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-260

Resolution of findings of advisability and Resolution authorizing construction of Lateral 39, Main 15, Southwest Interceptor Sewer (north of 21st Street, East of Ridge Road), 468-83122, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Agenda Item No. 11) STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES – SPECIAL EVENT.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0652.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

1) Celebrate 2000 Fireworks Display / July 4, 2000

Street Closures: McLean from Douglas to Maple, 8:00 a.m. – 11:00 p.m.

Maple from Sycamore to Wichita, 8:00 p.m. – 11:00 p.m. (only during display)**

McLean from Taft to Maple, 8:00 p.m. – 11:00 p.m. . (only during display)***

*Approximate time that Fire Marshall anticipates declaring area safe for public; police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

**Boathouse access will remain available from north, south, and east

***Portion of McLean closed to prevent vehicles from parking in the street during display time period to observe

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Gale moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

Motion carried 7 to 0.

RAILROAD SPUR R.O.W. **AGREEMENT TO REDEFINE RAILROAD SPUR RIGHT-OF-WAY.** (District II)

Agenda Report No. 00-0625.

The developer of Willow Place Addition has discovered, after a survey of the land, that there is an error in the legal description contained in the original dedication of a railroad spur line to the City of Wichita in 1979. This error results in an encroachment of the railroad right-of-way into the Willow Place Addition. The encroachment is only

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 140

“on paper” since the actual railroad tracks are constructed such that the City has the entire 60 feet of right-of-way as was originally intended.

In order for the developer to obtain title insurance and financing for the redevelopment project, the encroachment and error must be addressed. The Agreement recognizes the encroachment and error and corrects the legal description to match with the way the railroad spur line is actually constructed. The City does not lose any of the 60 feet of right-of-way which it originally was to receive in the 1979 dedication.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EATON AGREEMENT

AGREEMENT FOR PERMIT BUILDING ENCROACHMENTS – EATON PROJECT. (District VI)

Agenda Report No. 00-0626.

The developer of the Eaton Project has discovered, after a survey of the Eaton Block, that there are several minor encroachments of the existing buildings into adjacent right-of-way. All of the encroachments are minor, and most extend only inches into the adjacent right-of-way (sidewalk).

In order for the developer to obtain title insurance and financing for the redevelopment project, these encroachments must be addressed. The Agreement recognizes the encroachments and permits the developer to retain the buildings without the need for modification to remove the encroachments. As long as the buildings remain standing, the City agrees that it will take no action to require removal of the encroachments. None of the encroachments have any adverse affect on the public’s ability to use the adjacent sidewalks and streets.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EMERGENCY SHELTER

CONTRACTS WITH CATHOLIC CHARITIES, CENTER OF HOPE AND INTER-FAITH MINISTRIES OF WICHITA.

Agenda Report No. 00-0627.

On May 9, 2000, the City Council approved the Emergency Shelter Grant allocations to be included in the City’s 2000-2004 Housing and Urban Development (HUD) Consolidated Plan. The Plan will provide funds for a number of homeless agencies for operations, essential services and homeless prevention. Four contracts are being brought before the Council for approval.

The contracts before the Council are Emergency Shelter Grant contracts with Catholic Charities, Inc., Center of Hope, and Inter-Faith Ministries of Wichita, Inc. The contracts provide funding for operations, essential services and homeless prevention activities and are consistent with the City’s HUD Consolidated Plan as approved by the Council. The contract period for each contract is July 1, 2000 through June 30, 2001.

The Maximum contract amounts are:

Catholic Charities Anthony Family Shelter	\$26,261
Catholic Charities Harbor House	\$ 9,235
Center of Hope	\$21,964
Inter-Faith Ministries of Wichita, Inc.	\$30,136

These federal HUD funds are available through the Stewart B. McKinney Homeless Assistance Act and the contracts obligated no general funds moneys.

The contracts before the Council are with Catholic Charities, Center of Hope and Interfaith Ministries of Wichita, Inc. to provide operations, essential services and homeless prevention. The contracts are consistent with the Consolidated Plan as approved by the Council and covers the period from July 1, 2000, through June 30, 2001.

Funds for these contracts are provided under the Stewart B. McKinney Homeless Assistance Act through the U.S. Department of Housing and Urban Development. The emergency shelters will provide required match.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 141

-- carried

carried 7 to 0.

NIC AGREEMENT

NORTH INDUSTRIAL CORRIDOR PARTICIPATION AGREEMENT – ADDITIONAL PARTY.

Agenda Report No. 00-0628.

The City entered into a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) November 14, 1995, under which the City agreed to complete the investigation and remediation of the North Industrial Corridor (NIC) Site. As part of the Project, a group of 26 area businesses agreed to assist in the funding of the investigation and to participate in the allocation of their fair share of responsibility for the costs of the Site. The Participant Agreement was approved by the City Council on May 21, 1996. The City has been involved in identifying and encouraging additional parties to be part of the Participant Group. Agreements with these additional parties are brought to the Council from time to time.

The agreement adds Wichita Brass and Aluminum Foundry, Inc., as a member of the Participant group. The Additional Party Agreement incorporates by reference the same agreement and terms as previously approved by the Council and the existing Participants.

Wichita Brass and Aluminum Foundry, Inc., agrees to initially pay \$15,000 toward the costs of the investigation. Under the Agreement, they will participate in the future allocation of investigation and remediation costs.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR HIGHLAND SPRINGS SECOND ADDITION, WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (District V)

Agenda Report No. 00-0629.

The City Council approved the project on September 28, 1999. On June 6, 2000, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering services for the improvements in Highland Springs 2nd Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$7,600, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT - MAPLE FROM MAIZE TO 135TH STREET WEST. (District V)

Agenda Report No. 00-0630.

On February 9, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West. The fee was \$156,080. On October 12, 1999, the City Council approved Supplemental Agreement Number 1 which required SRB to design a sixteen-inch water line in Maple between Maize and 119th. The fee was \$3,500.

SRB has been asked to design a new bridge on Maple between 135th West to 119th West. Supplemental Agreement Number 2 has been prepared.

Payment to SRB for Supplemental Agreement Number 2 will be made on a lump sum basis of \$43,605. The funding source is General Obligation Bonds.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 142

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT - ABERDEEN THIRD ADDITION, NORTH OF 21ST STREET, EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 00-0631.

On May 2, 2000, the City entered into an Agreement with Poe & Associates of Kansas, Inc. to design improvements in Aberdeen Third Addition (Phase I). The fee was \$140,700.

The proposed Supplemental Agreement between the City and Poe provides for designing Lateral 432, Southwest Interceptor Sewer (Phase II). This additional section of the sanitary sewer was included in a petitioned project that was approved by the Council on May 2, 2000.

Payment to Poe for the Supplemental Agreement will be made on a lump sum basis of \$2,560 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LEGAL SERVICES

SUPPLEMENTAL AGREEMENT - LEGAL SERVICES.

Agenda Report No. 00-0633

The City retained the law firm of McDonald, Tinker, Skaer, Quinn & Herrington, P.A., to provide legal services for the City in civil rights cases involving police litigation.

It has become necessary to provide additional funds to continue the representation of the City in the pending cases. This will be the third amendment to the original contract.

The additional sum covered by the amendment is \$40,000.00 to continue to defend the City in the pending litigation through the end of the year. The charges are reasonable in amount for the legal services involved. Payment will be made from the Self Insurance Tort Fund.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT: SMITHMOOR NINTH ADDITION, SOUTH OF HARRY, WEST OF GREENWICH. (District II)

Agenda Report No. 00-0634.

The City Council approved the project on June 15, 1999.

The proposed Agreement between the City and Austin Miller, P.A. provides for the design of bond financed improvements in Smithmoor 9th Addition. Per Administrative Regulation 7a, staff recommends the selection of Austin Miller because Austin Miller provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$21,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT: SCHOFIELD-HATCHETT FOURTH ADDITION, NORTH OF KELLOGG, EAST OF GREENWICH. (District II)

Agenda Report No. 00-0635.

The City Council approved the project on February 8, 2000.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 143

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Schofield-Hatchett 4th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$17,400, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT: INDUSTRIAL AIR CENTER ADDITION, NORTH OF 37TH STREET NORTH, WEST OF WEBB. (District II)

Agenda Report No. 00-0636.

The City Council approved the project on November 25, 1997.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Industrial Air Center Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$31,560, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT: WEST RIDGE ESTATES, SOUTH OF 29TH STREET NORTH, EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 00-0637.

The City Council approved the project on May 2, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in West Ridge Estates. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$103,600, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 14)
STREET IMP.

CHANGE ORDER – CENTRAL AVENUE IMPROVEMENT, I-235 TO WEST STREET. (Districts IV and VI)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 00-0638.

On February 1, 2000, the City Council approved a construction Contract to reconstruct Central, between I-235 and West Street. Recent traffic analyses indicate that traffic signals may be warranted in the future at the Central/Elder and Central/Anna intersections. As a result, electrical conduit should be installed with the Central Avenue project to avoid cutting the pavement at a later date.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 144

The total cost of the additional work is \$16,938. The funding source is General Obligation Bonds.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy.

Council Member Martz Council Member Martz stated that he was opposed to the change order.

Steve Lackey Director of Public Works, responding to a question, said there is no accurate information regarding present or future need for a light at that location.

An accurate cost has not been established because a change order has not been negotiated with the current contractor, however, the contractor is on-site and could trench and lay the conduit now. If done in the future, the project would be bid out requiring remobilization of a contractor. The boring would be directional underneath the pavement, a more expensive process.

There are two issues for determining the warrants: 1) The traffic volume at Central and Anna. Prior to construction, there was not sufficient volume to warrant a signal. 2) Not knowing what's going to happen since there is a signal at Maple and Anna. Whether that will attract traffic to Anna or not is something that will have to be investigated later.

With respect to the accidents, there have been a lot of rear-end accidents on Central due to the heavy backup during peak periods. A left center-turn lane is being built which should reduce the number of accidents in that area. It is felt traffic accidents will be reduced; however, it is unsure whether or not traffic volumes on Anna are going to increase. Traffic volumes may increase due to the signal near Towne West.

Council Member Martz Council Member Martz pointed out that the added traffic, north-south, is a deterrent. Part of his opposition to the change order is that at the last District V District Advisory Board (DAB) meeting, this matter had been brought up because of the east-west traffic and increased volume anticipated on Central. District V DAB is opposed to having any light there because it will constrict traffic even more. Since the District V DAB doesn't see a need for a light, even in the future, the Board is opposed to spending the money today.

Motion -- Martz moved that the change order request be denied.

Substitute Motion -- Gale moved a substitute motion that the change order be approved and the necessary signatures be authorized.
-- carried Substitute motion carried 4 to 3. Martz, Pisciotte, Rogers - No

BUDGET

FFY 2000 CAPITAL FUND BUDGET SUBMITTAL.

Agenda Report No. 00-0639.

On October 1, 1992, the Department of Housing and Urban Development (HUD) awarded the Wichita Housing Authority (WHA) \$1,088,132 to be administered under the guidelines of the Comprehensive Grant Program to modernize and update units in the Housing Authority inventory. As of January 1, 2000, the Comprehensive Grant Program was changed to the Capital Fund Program. The guidelines under which Public Housing Authorities (PHA) will administer these funds will remain the same.

The Wichita Housing Authority (WHA) has more than 250 housing units. Modernization funds are awarded each year on a formula basis. Eligible share of the national allocation is determined by a calculation using various characteristics of the Housing Authority and Indian Authority Housing inventory.

Five-Year Action (modernization) Plans are prepared based on the allocation at the beginning year of the Capital Fund Program. Every sixth year, PHA's must resubmit a new Five-Year Action Plan to be approved by the Department of HUD. The WHA will not be required to submit a new Five-Year Action Plan until Federal Fiscal Year (FFY) 2002. The FFY 2000 Budget is due to HUD by July 15, 2000.

Staff has assessed the needs of the Housing Authority for the 2000 Budget. With additional input from residents from each of the developments, the 2000 Capital Fund Budget will ensure continued provision of safe, decent, affordable housing.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 145

The approved formula allocation for the Federal Fiscal Year 2000 and subsequent years of the Five-Year Action Plan is \$1,207,523. Funding will be expended for major rehabilitation, architectural and engineering costs, sidewalk and driveway removal and replacement, 504 handicap revisions, and security camera systems for garden apartments.

Should the Capital Fund Budget not be submitted prior to July 15, 2000, the WHA could lose \$1,207,523 in federal funding.

Motion --
-- carried

Knight moved that submission of the 2000 HUD Capital Fund Program Budget be approved. Motion carried 7 to 0.

MAPLE STREET

MAPLE STREET IMPROVEMENT BETWEEN 119TH STREET WEST AND MAIZE ROAD. (District V)

Agenda Report No. 00-0640.

On May 4, 1999, the City Council approved the initial funding to reconstruct Maple between 119th Street West and Maize Road. The 2000 Capital Improvement Program includes additional funding for the project.

The project consists of Reconstructing Maple to four lanes, installing sidewalks on both sides of the street and landscaping the available right-of-way.

The project specifications require the contractor to maintain access to all adjacent businesses during the course of construction. Two-way traffic flow will be maintained during construction of the project. Construction is expected to begin July 5 and be completed in December.

The estimated project cost is \$3,000,000 with \$750,000 funded by the City and \$2,250,000 by Federal Funds administered by the State. The funding source for the City share is General Obligation Bonds. The City Council previously approved a \$2,200,000 budget with \$1,550,000 paid by Federal Funds administered by the State and \$650,000 paid by the City. The increased budget amounts were contained in the approved 2000-2009 CIP.

Motion -- carried

Knight moved that the project be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 42-248 of the City of Wichita, Kansas, declaring Maple Street, from Maize Road to 119th Street West (472-83092) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

OCCIDENTAL HOTEL

REVOLVING LOAN APPLICATION FOR OCCIDENTAL HOTEL, 300 NORTH MAIN.

This Item was pulled from the Agenda.

BUDGET ADJUSTMENT

TRANSFER OF NUISANCE ABATEMENT FUNDS.

Agenda Report No. 00-0641.

The Environmental Maintenance Contingency was created to fund lot cleanup and weed mowing activities to abate environmental nuisances. Local ordinance and state law allow the City to clean up private property after proper notification of the responsible party. This process is typically used when property has been abandoned or in the case of absentee owners who cannot be located for trial in municipal court. A private contractor performs the work, and the City bills the cost to the property owner directly or as a special property tax assessment.

Invoices received this year to-date total \$46,859 for eighty-three (83) work orders. As of June 16th, eight additional work orders had been issued to the contractor, with an estimated cost between \$4,000 and \$6,000. These, and additional nuisance abatement cases in process, are expected to consume a substantial part of the remaining account balance of \$15,660 (balance as of June 16.) Staff anticipates that the requested transfer of \$30,000 will fund cleanup activities through September of 2000.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 146

The budget transfer would move \$30,000 from the Environmental Maintenance Contingency (OCA 149070) to the Environmental Maintenance Lot Cleanup account (OCA 149062). Available funds in the contingency total \$51,000 at present. The Finance Department has reviewed and approved the requested transfer.

Council approval is required for budget adjustments in excess of \$10,000.

Motion -- carried

Knight moved that the budget adjustment be approved. Motion carried 7 to 0.

SEWAGE TREATMENT PURCHASE OF SEWAGE TREATMENT PRODUCT.

Agenda Report No. 00-0642.

Sewage Treatment utilizes ferrous chloride for odor control in the collection system and at Plant #1. Ferrous chloride is an iron salt that aids in minimizing odors and corrosion.

Plant #2 effluent has iron concentrations high enough to cause plating on ultraviolet (UV) lamps used to disinfect treated wastewater. The plating produces a negative impact on the lamps' effectiveness and the potential to reduce the overall cost of odor control.

Sewage Treatment began testing a biological stimulant (Byo-gon PX-109) for odor control on a limited basis in March of 1999. Positive results observed since using the product warrant expansion of testing to include the collection system serving Sewage Treatment Plant #1.

Effluent iron concentrations are currently above the threshold UV manufacturers indicate will cause lamp plating problems on UV lamps bulbs. Byo-gon PX-109 does not contain iron and does inhibit the production of dissolved sulfides, hydrogen sulfide gas, and the accompanying odors by promoting rapid growth and metabolism of aerobic and facultative anaerobic microbes. Past performance of the product indicates that expansion to include the collection system that feeds Sewage Treatment Plant #1 is feasible. The product would be supplied and administered by the vendor. Staff would perform analytical analysis to support performance of the product.

The cost of Byo-gon PX-109 for a 120-day trial period for Plant #1 will be \$115,000. Cost will be offset by not using ferrous chloride during the trial period. Funds are budgeted for FY 2000 in Odor Control Chemicals in the amount of \$482,790.

Purchasing Ordinance No. 35-856, Section 2(b), provides for the purchase of equipment and supplies from sole sources without advertising for bids. Purchase will be made from the sole source, B&T Ag Distributing, Inc.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 20, 2000)

- a) Amendment to the District Advisory Board Ordinance.

ORDINANCE NO. 44-666

An Ordinance of the City of Wichita, Kansas pertaining to District Advisory Boards; amending Section 2.61.030 of the Code of the City Of Wichita; and repealing the original of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 147

b) Amending Ordinances: Pawnee (Maize to Yellowstone), Maize (Central to 13th), and 21st Street (Maize Intersection). (District V)

ORDINANCE NO. 44-667

An Ordinance amending Ordinance No. 43-010 of the City of Wichita, Kansas, declaring Pawnee, from Maize to Yellowstone (472-82678) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-668

An Ordinance amending Ordinance No. 42-266 of the City of Wichita, Kansas, declaring Maize Road, from Central to 13th Street (472-82415) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-669

An Ordinance amending Ordinance No. 43-519 of the City of Wichita, Kansas, declaring 21st Street and Maize Road to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

c) A 00-07 – one-half mile north of Central Avenue, east of Greenwich Road. (District II)

ORDINANCE NO. 44-670

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-07

d) A 00-09 – south of 21st Street North, east of 135th Street West. (District V)

ORDINANCE NO. 44-671

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-09

PLANNING AGENDA

Motion -- carried

Knight moved that Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

V-2190

V-2190 - REQUEST TO VACATE 25-FOOT CONTINGENT STREET DEDICATION AND PLATTED BUILDING SETBACKS LOCATED NORTHEAST CORNER OF CENTRAL AND WEST STREET.
(District VI)

Agenda Report No. 00-0643.

Staff Recommendation: Approve vacation 25-foot contingent street dedication and platted building setbacks.
MAPC Recommendation: Approve vacation of 25-foot contingent street dedication and platted building setbacks. (unanimous)

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 148

The applicant is requesting to vacate 25 feet of the existing contingent street dedication along the south and west sides of the northeast corner of Central and West Street. The applicant will dedicate 10 feet of the vacated easement on both sides of the corner back to the City of Wichita. The applicant wishes to vacate the platted building setbacks, which are presently 35 feet beyond the contingent street dedication, but will adhere to the required zoning setbacks. The applicant is requesting this vacation for future site development.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the vacation will be subject to the dedication of 10 feet along each street (60 feet to street center line), plus a triangular 'corner clip' at the intersection measuring 15 feet on each leg of the triangle, for future street improvements. No written protests have been filed.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED 2000-12

DED 2000-12 - DEDICATION OF A UTILITY EASEMENT FROM DR. RON FIEGEL, O.D., AND DR. MICHAEL RENO, D.D.S., FOR PROPERTY GENERALLY LOCATED NORTH OF 21ST STREET NORTH AND EAST OF RIDGE ROAD. (District IV)

Agenda Report No. 00-0644.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. L/S- 1034 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication has been recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be received and filed. Motion carried 7 to 0.

S/D 97-85

S/D 97-85 - PLAT OF BRADLEY FAIR FOURTH ADDITION LOCATED ON THE SOUTHEAST CORNER OF ROCK ROAD AND BRADLEY FAIR PARKWAY. (District II)

Agenda Report No. 00-0645.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

A zone change (Z-3308) from GO, General Office to LC, Limited Commercial has been approved for this site subject to platting. The site is also subject to a Community Unit Plan (DP-191 Amendment #10).

As required by the drainage plan for this site, a cross-lot drainage agreement was provided. Petitions, 100%, have been submitted for traffic improvements. A Certificate of Petitions has also been submitted. The site is within the noise impact area of Colonel James Jabara Airport and an avigational easement and restrictive covenant were required. A CUP Amendment was provided identifying the approved Community Unit Plan.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, avigational easement, restrictive covenant, off-site drainage easement, and CUP Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance Z-3308 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 149

RESOLUTION NO. R-00-263

Resolution of findings of advisability and Resolution authorizing installation of a fully actuated traffic signal and pavement markings as necessary, traffic signal to serve the intersection of 21st Street North and Bradley Fair Parkway (south of 21st Street, east of Rock) Project No. 472-83251, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3308

SUB2000-11

SUB2000-11 - PLAT OF PLAZA CENTRAL OFFICE PARK 2ND ADDITION LOCATED ON THE SOUTH SIDE OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 00-0646.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3316) from SF-6, Single-Family Residential to GO, General Office has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by Z-3316, addressing permitted uses, signs, landscaping, architectural controls, building setbacks and access control. In order to provide for shared access and circulation between the lots, a joint access agreement and cross-lot access agreement were provided.

The site will use the County's Four Mile Creek sanitary sewer system and sewer services are currently available. A petition, 100%, has been submitted for storm sewer improvements. A Certificate of Petitions has also been submitted.

A cash guarantee has been provided to guarantee the closure of driveways located in areas of complete access control.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, joint access agreement, cross-lot circulation agreement and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance Z-3316 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-261

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 538 (south of Central, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3316

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 150

SCZ-0734

SCZ-0734 - REQUEST FOR ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, LOCATED AT THE SOUTHWEST CORNER OF 29TH STREET NORTH AND GREENWICH. (District II)

Agenda Report No. 00-0647.

MAPC and County Commission Recommendation: Approve, subject to platting within 1 year and additional provisions of a Protective Overlay district
Staff Recommendation: Approve, subject to platting within 1 year and additional provisions of a Protective Overlay district.

The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial for a 158.1 acre unplatted tract located on the west side of Greenwich between 29th Street North and the K-96 Expressway. The applicant proposes to develop an industrial park that may include office-warehouse uses, as well as a soccer complex development to be located in an area at the northwest corner of the application site. There was no site plan submitted as part of this application.

The subject property is currently undeveloped and used for agricultural purposes. Surrounding property to the north and east are largely undeveloped and used for agricultural and residential uses. Jabara Airport is located to the northwest of the application site on property zoned "LI". There is a triangular piece of property zoned "SF-6" adjacent to the west. The Greenwich Business Park is located to the south of K-96 on property recently zoned "LI".

The Unified Zoning Code includes CUPs as a development option for developments of this size in the "LI" zoning district. The Code also includes a new zoning district, the Industrial Park District, that is intended to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing uses, in a more campus-like setting. The applicants indicated that this district would be too limiting because portions of the site may have potential for retail, hotel, funeral home, or medical service uses.

During the Planning Commission's discussion of this matter on February 13, 1997, the agent for the applicant discussed the proposed industrial park and soccer complex developments, and stated they were in agreement with the staff recommendations. Two property owners spoke against the request, stating there was an abundance of industrial zoning in the area. The opponents also questioned why this site was not required to be developed under a Community Unit Plan. Staff commented that the zoning code does not require an application for industrial zoning to be submitted as a CUP, but that the recommended Protective Overlay should address development concerns in a similar manner. After discussion, the MAPC voted (7-4) to approve the request with the additional provisions of a Protective Overlay as recommended by staff.

The Board of County Commissioners subsequently approved the zone change, subject to platting. The property has since been annexed into the City of Wichita. The applicants were granted a platting extension in April, 1999. The plat was filed February 29, 2000 after approval by the MAPC and finally by the City Council in February, 2000. On December 21, 1999 the applicant was granted an Administrative Adjustment to the Protective Overlay. The Ordinance before the council reflects these changes.

Motion --
-- carried

Knight moved that the Ordinance establishing the zone change and Protective Overlay be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. SCZ-0734.

DR00-06

DR00-06 - REQUEST FOR A STREET NAME CHANGE FROM ST. FRANCIS TO GREENWAY CIRCLE, AS PLATTED IN THE BELL'S REPLAT OF PART OF RESERVE A, IN PURCELLS FOURTH ADDITION. (District III)

Agenda Report No.00-0648.

Staff Recommendation: Approve the street name change.
MAPC Recommendation: Approve the street name change.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 151

The Wichita-Sedgwick County Address Committee was created in 1994 to avoid and correct street naming and addressing problems being discovered as a result of increasing growth in the County and of using the Geographic Information System (GIS) maps and databases.

Confusion has arisen regarding this segment of St. Francis due to its physical separation from the northern segment of the street by the railroad tracks. The proposed name, Greenway Circle, will align with Greenway Street to the south.

When the Wichita-Sedgwick County Address Committee met in May, the Committee voted unanimously (5-0) to recommend use of the name of "Greenway Circle" for this road segment.

All affected property owners were notified, and no one appeared to object.

Motion --
-- carried

Knight moved that the street name change, as recommended by the Planning Commission, be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the name of St. Francis to Greenwich Circle, as platted in the Bell's Replat of part of Reserve A, in Purcells Fourth Addition, introduced and under the rules laid over.

AIRPORT AGENDA

AIRPORT

SUPPLEMENTAL AGREEMENT – MARKETING AND COMMUNICATION SERVICES.

Agenda Report No. 00-0649.

On July 6, 1999, the Wichita Airport Authority approved an agreement with Angelia Prather, Consultant, to provide marketing and communication services for Wichita Mid-Continent and James Jabara Airports. The term of the agreement is through July 11, 2000.

Applications for the budgeted Air Service Development Director position are currently being received and reviewed. General marketing and communication services are at this time being provided by Ms. Prather. Continuation of the agreement will allow for ongoing marketing and communication services until the full-time staff person is selected and trained. The supplemental agreement will extend the agreement on a month-to-month basis, subject to the termination provisions included in Section 1 of the agreement dated July 7, 1999.

In that the term of this agreement is nearing its original termination date, funds allocated for this service are nearly expended. It is recommended that the budget be increased by \$25,000 to cover potential expenditures for the additional six-month period. Funds are available in the airport budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

OFF AGENDA ITEM

WEST KELLOGG FREEWAY IMPROVEMENTS

Mayor Knight asked Steve Lackey, Director of Public Works, to comment on Maize, Kellogg and Tyler regarding West Kellogg Freeway Improvements.

Steve Lackey

Director of Public Works made a brief presentation regarding the West Kellogg Freeway Improvements from 119th Street West to Airport Road. An invitation was extended to interested persons to a design concept review with Professional Engineering Consultants and City Staff on June 28, 2000, Wichita Airport Hilton, from 11:30 a.m. to 6:30 p.m., to express comments, concerns and suggestions.

CITY COUNCIL PROCEEDINGS

JOURNAL 171

JUNE 27, 2000

PAGE 152

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations; and the City Council return from executive session no earlier than 10:30 a.m.. Motion carried 7 to 0.
-- carried

RECESS The City Council recessed at 10:00 a.m. and returned at 10:40 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 10:40 a.m.

Patsy Ellis
Deputy City Clerk